

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

RHONDA BURNETT, JEROD BREIT, HOLLEE ELLIS, FRANCES HARVEY, and JEREMY KEEL, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF REALTORS, REALOGY HOLDINGS CORP., HOMESERVICES OF AMERICA, INC., BHH AFFILIATES, LLC, HSF AFFILIATES, LLC, RE/MAX, LLC, and KELLER WILLIAMS REALTY, INC.,

Defendants.

TANYA MONESTIER,

Objector-Intervenor.

Case No. 19-CV-00332-SRB

Hon. Stephen R. Bough

TANYA MONESTIER'S PROPOSED PLEADING IN INTERVENTION

1. On information and belief, Plaintiffs and Class Representatives RHONDA BURNETT, JEROD BREIT, HOLLEE ELLIS, FRANCES HARVEY, and JEREMY KEEL have been injured by the antitrust violations of Defendants.

2. Defendants THE NATIONAL ASSOCIATION OF REALTORS, REALOGY HOLDINGS CORP., HOMESERVICES OF AMERICA, INC., BHH AFFILIATES, LLC, HSF AFFILIATES, LLC, RE/MAX, LLC, and KELLER WILLIAMS REALTY, INC., are subject to the jurisdiction of this Court.

3. The district court has jurisdiction under 28 U.S.C. § 1331 because Plaintiffs' class-action complaint alleges federal antitrust claims of Plaintiff and the other class members.

4. Venue is laid in this District pursuant to 28 U.S.C. §§ 1391(b)(1), (2) and 1391(c).

5. Objector/Intervenor Tanya Monestier is a member of the class. Monestier timely objected to the settlement and filed papers in support of her objection in full compliance with Fed. R. Civ. Proc. 23(e)(5) and this Court's Preliminary Approval Order.

6. On November 27, 2024, the court entered a Memorandum Opinion and Order Granting Final Approval, Incentive Awards, and Attorneys' Fees. *See* Dkt. 1622. The same day, the court entered a docket entry denying Monestier's motion for reconsideration of an order requiring her to attend a hearing in person on November 26, 2024, the Tuesday before Thanksgiving. The court purported to strike Monestier's objection. Monestier intends to file a notice of appeal of the final judgment and all orders and opinions that merge therein, including these two.

7. Although the Supreme Court has ruled that appeal without intervention was permissible for Rule 23(e) objectors, *Derlin v. Scardelletti*, 536 U.S. 1 (2002), and the Eighth Circuit has permitted objectors whose objections were improperly stricken to hold appellate standing without intervention, Monestier recognizes that courts have split on this question. Monestier thus moves to intervene to preserve her appellate rights for belt-and-suspenders reasons.

8. The Eighth Circuit holds intervention as a matter of right appropriate when a class member alleged inadequate representation. *See Smith v. SEECO, Inc.*, 865 F.3d 1021, 1025 (8th Cir. 2017) (vacating and remanding denial of intervention).

9. Monestier is entitled to intervene as a matter of right under Fed. R. Civ. Proc. 24(a). Monestier's interests are not adequately represented in her appeal of the settlement approval and the award of attorneys' fees.

PRAYER FOR RELIEF

Objector/Intervenor Tanya Monestier respectfully seeks intervention for the limited purpose of preserving her rights to appeal the court's final orders.

Dated: December 2, 2024.

/s/ Tanya Monestier

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CERTIFICATE OF SERVICE

The undersigned certifies she electronically filed the foregoing Rule 24(c) Pleading via the ECF system for the Western District of Missouri, thus effecting service on all attorneys registered for electronic filing.

Dated: December 2, 2024.

/s/ Tanya Monestier